THE REHEARSAL.

1. The Opinion of a *Lord Chief Juſtice* is not *Law.*
2. Far leſs *Lambard* or *Ingulphus.* The folly of Quoting a *Hiſtory* againſt an *Act of Parliament.*
3. Or Pleading that the *Parliament* was *Pack'd.*
4. The *Nonſenſe* of the *Obſervator* in Saying that the *Statute* 12 *Car.* II. is *Antiquated.* Shew'd from 30 *January,* and the *Proclamation.*
5. No *Act of Parliament* can be *Antiquated.*
6. An Anſwer to King *John* and his Son *Henry* Granting *Coercion* over themſelves.
7. The *Barons-Wars* more Fatal to *England,* than the *Tyranny* of all their *Kings.*
8. Brought as *Precedents* for freſh *Rebellion* Now.
9. They argue the *Law* from the *Conſent* of *Kings,* whoſe *Opinion* they will not yet Allow to be *Law.*
10. They make it *Law* if againſt the *King,* but not if for him.

WEDNESDAY, *September* 1. 1708.

(1.) *Country-man.* I Believe the *Obſervator* wiſhes he had not brought the Lord Chief Juſtice *Bracton* into the Play. For he ſpeaks Expreſly againſt *Coercion.*

Rehearſal. If he had ſpoke never ſo much for it, it had been all nothing to the Purpoſe, as I have ſhew'd. Will the *Whigg-Lawyers* Grant, That whatever a *Lord Chief Juſtice* ſays or Writes is *Law*? The 41 *Parliament* wou'd not take the Opinion of both the *Chief Juſtices* and of all the *Judges* in *England* for the Legality of *Ship Money.*

(2.) *Country-m.* Then far leſs can *Lambard,* or *Ingulphus* Abbot of *Croyland* be Quoted as the *Laws* of the *Land.*

Rehearſ. He will ſay he Quotes them only as *Hiſtorians.*

Country-m. As *Hiſtorians!* And can an *Hiſtorian* be brought in Contradiction to an *Act of Parliament?* Suppoſe a *Lawyer* in *Weſtminſter-Hall* ſhou'd Quote an *Act of Parliament,* and another ſhou'd in Anſwer Quote *Lambard* or *Ingulphus* ſaying there was no ſuch *Act,* and that they ought to be Believ'd rather than our *Book of Statutes*? What wou'd the *Court* ſay to ſuch a *Lawyer*? I ſuppoſe he wou'd never get another *Fee.*

(3.) *Rehearſ.* But he has another way to get over theſe *Acts of Parliament* I have Quoted, he ſays, N. 52. That he Excepts againſt thoſe *Laws made by Mercenary and pack'd Parliaments, in the Reign of King Charles* II.

Country-m. Let me to him, *Maſter,* I fancy I can Battle him and all his *Lawyers* upon this Point. Suppoſe then, as I ſaid before, an *Act of Parliament* is Quoted in *Weſtminſter-Hall,* and the *Council* on the other ſide ſhou'd ſay, That this is no *Law,* becauſe it was made by a *Mercenary and Pack'd Parliament.* Wou'd he not be *Hooted* out of the *Hall*? Wou'd not this be to overthrow and Deſtroy all our *Laws* at once, when Every one ſhall take upon him to *Judge* which is a *Mercenary and Pack'd Parliament*? And may not I ſay the ſame of other *Acts of Parliament* he Quotes? And where will be the End of all this?

Beſides you Quoted ſeveral other *Acts of Parliament* in the Reigns of *Rich.* II. *Hen.* viii. Q. *Eliz.* and K. *Jam.* I. were all theſe *Pack'd Parliaments* too? Then Farewel our *Book of Statutes!*

(4.) *Rehearſ.* But he ſays, that *Act* you Quoted of 12 *Car.* II. c. 30 is *Antiquated* by the *Revolution-Acts* made ſince.

Country-m. If he had ſaid *Repeal'd,* then he muſt have ſhew'd thoſe *Acts* that *Repeal* it. But to ſay *Antiquated* is *Nonſenſe.* Is an *Act* of K. *Char.* II. *Antiquated,* and not that of *Rich.* II. And others made by his *Predeceſſors*?

Predeceſſors? But why is this Particular Act *Antiquated* more than all the other *Acts* in that *Reign*; This *Act* I ſay, by Vertue of which we keep the 30 of *January* to this Day. And have not our *Clergy* in the Publick *Churches* Read the *Proclamation* Enjoin'd the *Sunday* before? And is this Act *Antiquated*?

(5.) *Rehearſ.* Beſides, *Country-Man*, no *Act of Parliament* can be *Antiquated*, or loſe its Force by length of time. Nothing can Diſſolve an *Act of Parliament* but its being *Repeal'd* by *Parliament*. Some old *Acts of Parliament* may be *Forgotten*, and worn into *Diſuetude*. And ther have been *Proclamations* for *Reviving* ſome of theſe. Not that the *Proclamation* adds any Force to them, but only that the *People* have Notice of it, and not be Enſnar'd by *Tranſgreſſing* them *Ignorantly*. Which wou'd be *Needleſs* if they were *Antiquated* in the Senſe of the *Obſervator*, that is, were of no more *Force*.

(6.) *Country-m.* But *Num.* 50. he Quotes a *Charter* of King *John*'s Granting, *That the Barons and Community of the Land, ſhall ſtraiten and Compel Us by all Means poſſible, as by Seizing our Towns, Lands, and Poſſeſſions, or any other way, till Satisfaction be made according to their Pleaſure.* And that in the Charter of his Son *Henry*, upon Suppoſition of his not performing the Agreements, 'tis ſaid, *It ſhall be lawful for all Men in our Kingdom to Riſe up againſt Us, and to do all things that may be Grievous to Us, as if they were abſolutely Free from any Engagements to our Perſons.*

Rehearſ. Here the *Obſervator* ſhews himſelf! For he cou'd not but know, That all this was done in Open and Flagrant *Rebellion*, and when theſe *Kings* were *Subdu'd* and *Conquer'd* by their Traiterous and Diſloyal *Barons*, and Forc'd to *Sign* or *Do* whatever they Requir'd of them.

(7.) *Country-m.* This was what they Call'd the *Barons-Wars*. I have Read ſomething of it in our *Hiſtory*. And it makes good all that you have laid down to Us, *Maſter*, from the Beginning, That *Rebellion* is a bad *Cure* for *Tyranny*. For *England* Suffer'd more *Ruin* and *Devaſtation* by theſe *Barons-Wars*, than from all thoſe *Kings*, they call'd *Tyrants*, that ever had Reign'd before.

(8.) *Rehearſ.* But theſe Rebellious *Barons* are now call'd *Patriots* and the Noble *Aſſertors* of our *Liberties* and *Properties*! And here you ſee *Precedents* are brought from them for *Coercion*, and to ſerve our *Kings* (or *Queens*) in the ſame Faſhion, to *Murder* or *Depoſe* them at Pleaſure! Comfortable *Doctrin* for *Monarchs*, for her *Majeſty* to hear!

(9.) *Country-m.* But I wou'd Ask a Queſtion, *Maſter*, Suppoſe theſe *Kings* had Granted theſe *Conceſſions*, without any *Coercion*, upon them, but *Freely* and *Voluntarily* of their Meer *Good Will* and *Pleaſure*; Ay, and I will Suppoſe too, That theſe *Kings* were Really of this *Opinion*, for *Coercion* over Themſelves; Will the *Whiggs* then Allow that the *Opinion* of the *King* is *Law*? Why Elſe do they bring theſe *Conceſſions* to Prove that *Coercion* is *Law* in *England*?

(10.) *Rehearſ.* Their Meaning is, That all *Acts* and *Deeds* of *Kings* againſt their own *Right* and *Intereſt* ſhall be Binding upon them, and ſhall be good *Law*. But if they Aſſert their *Right* and Juſt and Lawful *Prerogative*, Given to them by the *Law* of *God*, and *Recogniz'd* by all the *Laws* of the Land, then they are *Tyrants*, ſet up for *Arbitrary* Power, and their *Opinion* is of no Force at all, far leſs is it *Law*!

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